

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI**

In re:	)	
	)	
INTERSTATE UNDERGROUND	)	Case No. 21-40834-DRD
WAREHOUSE AND INDUSTRIAL	)	
PARK, INC.,	)	Chapter 11
	)	
Debtor.	)	
	)	

**DEBTOR’S MOTION FOR ENTRY OF AN ORDER  
(A) SCHEDULING EXPEDITED HEARINGS ON CERTAIN  
FIRST DAY MOTIONS AND APPLICATIONS, (B) APPROVING THE FORM  
AND MANNER OF NOTICE THEREOF, AND (C) GRANTING RELATED RELIEF**

Interstate Underground Warehouse and Industrial Park, Inc. as debtor and debtor in possession in the above-captioned case (collectively, the “Debtor”) respectfully states as follows in support of this motion (this “Motion”):

**Relief Requested**

1. By this Motion, the Debtor seeks entry of an order (the “Proposed Order”), pursuant to section 105 of title 11 of the United States Code (the “Bankruptcy Code”), rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and rules 1002-2(A) and 1002-2(C) of the Local Rules of the Bankruptcy Court for the Western District of Missouri (the “Local Bankruptcy Rules”), (a) scheduling expedited hearings at the Court’s earliest convenience for consideration of the Debtor’s First Day Motions (as defined below) described on the proposed first day agenda, attached hereto as **Exhibit A** (the “Proposed First Day Agenda”), and (b) granting related relief.

### **Jurisdiction and Venue**

2. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334 and rule 1073-1(A) of the Local Rules of the United States District Court for the Western District of Missouri. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. §157(b).

3. The statutory and legal predicates for the relief requested herein are section 105 of the Bankruptcy Code, Bankruptcy Rule 9006(c), and Local Bankruptcy Rules 1073-1(A) (C).

### **Background**

4. On July 1, 2021 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtor operates a network of underground storage facilities within a single location in Kansas City, Missouri. IUW houses approximately 3 million square feet of dry storage, 250,000 square feet of cooler space, and 500,000 square feet of freezer space for the storage of a variety of customer goods.

5. The Debtor is operating its business and managing its properties as a debtor in possession pursuant to Bankruptcy Code sections 1107(a) and 1108. No trustee, examiner or official committee has been appointed in this chapter 11 case.

6. A comprehensive description of the Debtor’s operations and events leading to the commencement of this Chapter 11 case is set forth in the Declaration of Leslie Rene Reeder, the (“First Day Declaration”),<sup>1</sup> each filed contemporaneously herewith and incorporated herein by reference.

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<sup>1</sup> The First Day Declaration is being filed in support of this Motion and are incorporated herein by reference. Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the First Day Declaration.

**Basis for Relief Requested**

7. On the Petition Date, the Debtor filed certain motions requesting first day relief (the “First Day Motions”) to be heard by this Court on an expedited basis. Prompt entry of orders granting the relief requested in the First Day Motions is critical to maintaining the Debtor’s ongoing operations.

8. Local Bankruptcy Rule 1002-2(A) provides that an expedited hearing may be granted upon a movant’s “written motion, setting forth the reason the matter should be heard on an expedited or emergency” basis. Local Rule 1002-2(C) also recognizes the need for an expedited hearing on the first day matters, instructing that such motions are typically heard within 48 hours of a filing. Here, an expedited hearing on the First Day Motions is appropriate and is consistent with past practice in virtually every significant chapter 11 case to ensure a debtor’s smooth transition into chapter 11.

9. Furthermore, section 105(a) of the Bankruptcy Code authorizes the requested relief. Section 105(a) of the Bankruptcy Code allows the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code.]” 11 U.S.C. § 105(a). It permits a bankruptcy court to take whatever action “is appropriate or necessary in aid of the exercise of its jurisdiction.” 2 COLLIER ON BANKRUPTCY ¶ 105.01.

10. The Debtor submits that the circumstances of this chapter 11 case warrant granting similar relief, and that doing so is in the best interests of the Debtor, its estates, its creditors, and its stakeholders, and therefore should be granted.

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WHEREFORE, the Debtor respectfully requests entry of the Proposed Order, granting the relief requested herein and such other relief as is just and proper.

Dated: July 2, 2021  
Kansas City, Missouri

Respectfully submitted,  
ARMSTRONG TEASDALE LLP

/s/ Pamela Putnam

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*Proposed Counsel to the Debtor*

**Exhibit A**

**Proposed First Day Agenda**

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI**

In re:	)	
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INTERSTATE UNDERGROUND	)	Case No. 21-40834-DRD
WAREHOUSE AND INDUSTRIAL	)	
PARK, INC.,	)	Chapter 11
	)	
Debtor.	)	
	)	
	)	
	)	
	)	
	)	

**PROPOSED AGENDA FOR HEARING ON JULY 6, 2021 AT 1:30 P.M. (PREVAILING  
CENTRAL TIME)**

In support of the following relief requested at the First Day Hearing, the Debtor relies on the Declaration of Leslie Reeder in Support of Chapter 11 Petition and First Day Relief [ECF Nos. 1 and 19].

**A. Administrative Motions**

1. Motion to Expedite – Debtor’s Motion for Entry of an Order (A) Scheduling Expedited Hearings on Certain First Day Motions and Applications, (B) Approving the Form and Manner of Notice Thereof, and (C) Granting Related Relief [ECF No. 21]

Status: This matter is going forward.

**B. Professional Retention Application**

2. Armstrong Teasdale LLP Retention Application. Debtor’s Application for Entry of an Order Authorizing the Retention and Employment of Armstrong Teasdale LLP as Attorneys for the Debtor and Debtor in Possession *Nunc Pro Tunc* to the Petition Date [ECF No. 12]

Status: This matter is going forward.

**C. Operational Motions**

3. Utilities Motion. Debtor's Motion for Entry of Interim and Final Orders Determining Adequate Assurance of Payment for Future Utility Services [ECF No. 14]

Status: This matter is going forward.

4. Cash Management Motion. Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing the Continued Use of the Debtor's Existing Cash Management System; (B) Authorizing Use of Existing Bank Accounts and Business Forms; (and (C) Granting Related Relief [ECF No. 15]

Status: This matter is going forward.

5. Wages and Benefits Motion. Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing Debtor to Pay Prepetition Wages and Workforce Obligations, (B) Authorizing Debtor to Maintain Workforce Programs and Pay Related Obligations, and (C) Granting Related Relief [ECF No. 17]

Status: This matter is going forward.

6. Insurance Motion. Debtor's Motion for Entry of Interim and Final Orders (A) Authorizing the Debtor to (I Maintain, Continue, and Renew Their Existing Insurance Program and (II) Honor Certain Prepetition Obligations in Respect Thereof and (B) Granting Related Relief [ECF No. 18]

Status: This matter is going forward.

**D. Financing Motions**

7. Cash Collateral & DIP Financing Motion. Debtor's Motion for Interim and Final Orders Authorizing the Debtor to Utilize Cash Collateral [ECF No. 16]

Status: This matter is going forward.

Dated: July 2, 2021  
Kansas City, Missouri

Respectfully submitted,  
**ARMSTRONG TEASDALE LLP**

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*Proposed Counsel to the Debtor*